

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 685 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PUJARI NIRBHAYRAM HARJIVAN THAKER

Versus

COLLECTOR

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Appearance:

None present for Petitioner

MR GIRISH D BHATT for Respondent No. 1 to 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/01/97

ORAL JUDGMENT

Heard learned counsel for the respondents and perused the Special Civil Application.

2. The petitioners prayed in this Special Civil Application for issuance of directions to respondents No.1 and 3 not to appoint any non Pujari as a representative of Pujaris to the Committee of the temple of Shri Dwarkadhishji at Dwarka.

3. The Resolution dated 10th August 1981, annexure 'C' on record of the Special Civil Application, provides for constitution of the committee for the management and control of Shri Dwarkadhishji Temple. Clause IV of para 2 of the Resolution is relevant which provides that the Pujaris of Shri Dwarkadhishji shall elect their representative to the Committee. The contention of the petitioner is that only a Pujari can be elected by the Pujaris and not a third person.

4. I fail to see any justification in this contention of the petitioner. The Resolution is not under challenge. It provides representation of Pujaris in the managing Committee of the temple of Shri Dwarkadhishji at Dwarka. The Pujaris have to elect a person of their choice to be there in the Committee as their representative and in case the majority of Pujaris decide to elect a person other than the Pujari of the temple, there is no illegality in the aforesaid action, and as such, direction cannot be given by this Court to the respondent to direct the Pujaris only to elect their representative from Pujaris. They have been given representations in the Committee of management of the temple and they are the best persons to decide who should be their representative.

5. I do not find any substance in this Special Civil Application and the same is therefore dismissed. Rule discharged. Interim relief, if any, granted by this Court, stands vacated. No order as to costs.

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